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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,782	07/31/2001	Peter F. King	UWP1P041/1155	4018
26528	7590	11/17/2004	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,782

Applicant(s)

KING, PETER F.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11082004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are pending.

Specification

2. The disclosure is objected to because of the following informalities: on page 2, line 9, Applicant states "This means that the user cannot user the handheld device..." It is thought Applicant meant to write "This means that the user cannot *use* the handheld device..." Appropriate correction is required.

Drawings

3. The drawings are objected to because on Figure 8, element 802 needs a "No" label on the arrow from 802 to 804, and a "Yes" label on the arrow from 802 to 806. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing

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figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a relationship between clients 1 and 2. It is unclear how the clients would communicate without previous establishment of registration.
6. Claims 6 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how an application program could run on the first device to present the requested information after it has been established by the first device that said device could not present the information.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 16, 17, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al. (U.S. 5,742,905).
9. As to claim 1, Pepe discloses a communication system, the communication system (Pepe, col. 1, lines 5-6) comprising: a first device (Pepe, Fig. 3, element 30); an inter-device linking system linked to the first device (Pepe, Fig. 3, element 40), the inter-device linking system operating to: detect that information cannot be presented on the first device (Pepe, col. 6, lines 13-16); determine whether a second device capable of presenting the information is linked to the inter-device linking system (Pepe, col. 6, lines 16-19); send a request for presentation of the information to the second device when the determining determines that the second device is linked to the inter-device linking system; and where the second device is capable of presenting the information (Pepe, col. 20, lines 65-67).
10. As to claim 2, Pepe discloses the invention substantially as described in claim 1, including a communication system, where the inter-device linking system further operates to: queue a request for presentation of the information when the determining determines that the second device which is capable of presenting the information is not linked to the inter-device linking

system; and sending the queued request to the second device when the second device becomes linked to the inter-device linking system (Pepe, col. 10, lines 35-45).

11. As to claim 3, Pepe discloses the invention substantially as described in claim 1, including a communication system where the inter-device linking system comprises an inter-device linking server (Pepe, Fig. 3, element 48) and two or more inter-device linking clients (Pepe, Fig. 3, elements 22, 30, and 32).
12. As to claim 4, Pepe discloses the invention substantially as described in claim 3, including a communication system where at least one portion of the inter-device linking clients are implemented in a device operating in the communication system (Pepe, Fig. 3, elements 22, 30, and 32).
13. As to claim 16, Pepe discloses a method for presenting information on devices operating in a communication system (Pepe, col. 1, lines 5-6), the method comprising: detecting that information cannot be presented on a first device operating in the communication system (Pepe, col. 6, lines 13-16); sending a request for presentation of information when the detecting detects that information cannot be presented on the first device (Pepe, col. 20, lines 65-67); determining whether the information can be presented by a second device operating in the communication system (Pepe, col. 6, lines 16-19); and forwarding the request for presentation of information to the second device when the determining determines that the information can be presented by the second device (Pepe, col. 29, 47-52).

14. As to claim 17, claim 2 is a method performing the same functions as claim 17. Therefore, paragraph 10 of this Office Action discloses all of the limitations of claim 17.
15. As to claim 27, Pepe discloses a computer readable media including computer program code for presenting information on devices operating in a communication system, the computer readable media comprising: computer program code for detecting that information cannot be presented on a first device operating in the communication system (Pepe, col. 6, lines 13-19); computer program code for sending a request for presentation of information when the detecting detects that information cannot be presented on the first device (Pepe, col. 20, lines 65-67); computer program code for determining whether the information can be presented by a second device operating in the communication system (Pepe, col. 6, lines 16-19); and computer program code for forwarding the request for presentation of information to the second device when the determining determines that the information can be presented by the second device (Pepe, col. 29, 47-52).
16. As to claim 28, claim 2 is a method performing the same functions as claim 28. Therefore, paragraph 10 of this Office Action discloses all of the limitations of claim 28.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5-15, 18, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pepe and further in view of Kikinis (U.S. 2002/0049833).

19. As to claim 5, Pepe teaches a communication system that includes two or more inter-device linking clients (Pepe, Fig. 3, elements 22, 30, and 32) that comprise of a linking agent (Pepe, col. 17, lines 19-21). But Pepe fails to disclose the implementation of a user agent. However, Kikinis teaches the use of clients that comprise a user agent (Kikinis, page 9, paragraph 108). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Pepe and Kikinis for the purpose of enhancing the functionality of network-connected devices (Kikinis, page 1, paragraph 12).

20. As to claim 6, the combination of Pepe and Kikinis (Pepe-Kikinis) discloses the invention substantially, as described in claim 5, including a communication system where a first user agent is implemented on the first device; and the first user agent operates to detect that information cannot be presented on the first device (Kikinis, page 9, paragraph 108).

21. As to claim 7, Pepe-Kikinis discloses the invention substantially as described in claim 6, including a communication system where the first user agent is implemented in the first device, and where an application program runs on the first device to facilitate presentation of the information on the first device (Kikinis, page 9, paragraph 108).

22. As to claim 8, Pepe-Kikinis discloses the invention substantially as described in claim 7, including a communication system where a first linking agent is associated with the first device, and where the first linking agent operates to send the inter-device linking server at least one presence notification, the at least one presence notification notifying the inter-device linking server of the presence of the first device in the communication system (Pepe, col. 17, lines 19-21).
23. As to claim 9, Pepe-Kikinis discloses the invention substantially as described in claim 7, including a communication system where the first linking agent operates to periodically send the presence notification, where the presence notification comprises a field that identifies the capabilities of the first device (Kikinis, page 9, paragraph 108); and where the first linking agent operates to send the inter-device linking server a request for presentation of information when the first user agent operating on the first device detects that information cannot be displayed on the first device (Kikinis, page 9, paragraph 109).
24. As to claim 10, Pepe-Kikinis discloses the invention substantially as described in claim 7, including a communication system where the computing system further comprises a database (Pepe, Fig. 3, element 44), and where the inter-device linking server operates to store the at least one presence notification in the database (Pepe, col. 7, lines 4-10).

25. As to claim 11, Pepe-Kikinis discloses the invention substantially as described in claim 7, including where the computing system further comprises a database (Pepe, Fig. 3, element 44), and where the inter-device linking server operates to store at least one request for presentation of information in the database (Kikinis, page 8, paragraph 101).
26. As to claim 12, Pepe-Kikinis discloses the invention substantially as described in claim 11, including a communication system where a second linking agent is associated with the second device, and where the linking agent receives a forwarded request for presentation of information from the inter-device linking server (Pepe, col. 29, 47-52).
27. As to claim 13, Pepe-Kikinis discloses the invention substantially as described in claim 12, including a communication system where the second linking agent initiates launch of an application that is suitable for presentation of the information (Kikinis, page 8, paragraph 99).
28. As to claim 14, Pepe-Kikinis discloses the invention substantially as described in claim 13, including a communication system where the second linking agent operates to retrieve a reference to information that is to be displayed and provides the reference to the application (Kikinis, page 8, paragraph 100).

29. As to claim 15, Pepe-Kikinis discloses the invention substantially as described in claim 14, including a communication system where the information is multimedia information associated with a hypertext link (Kikinis, page 6, paragraph 83).
30. As to claim 18, Pepe-Kikinis discloses a method as recited in claim 16, where the method further comprises: periodically sending presence notifications, the presence notifications being associated with devices operating in the communication system (Pepe, col. 6, lines 47-51), and where the presence notifications describe the capabilities of their associated devices with respect to presentation of information on the associated devices (Kikinis, page 9, paragraph 108).
31. As to claim 22, Pepe-Kikinis discloses a communication system, the communication system (Pepe, col. 1, lines 5-6) comprising: a first device (Pepe, Fig. 3, element 30); an inter-device linking server (Pepe, Fig. 3, element 48); a first inter-device linking client associated with the first device (Pepe, Fig. 3, element 30), the first inter-device linking client operating to detect that information associated with a hypertext link cannot be presented by the first device (Kikinis, page 9, paragraph 109) and where the first inter-device linking client also operates to send a linking request to the inter-device linking server when the first inter-device linking client determines that the information cannot be presented by the first device (Pepe, col. 6, lines 16-19); where the inter-device linking server operates to determine whether a second device in the communication system which is capable of presenting the information is linked to the inter-device linking server when the linking request is received from the first inter-

device linking client (Pepe, col. 6, lines 16-19); where the inter-device linking server operates to forward the request for presentation of the information to a second inter-device linking client associated with a second device when the inter-device linking server determines that the information can be presented by the second device and where the inter-device linking server operates to queue the request when the inter-device linking server determines that the information cannot be presented by the second device (Pepe, col. 10, lines 35-45); and where the inter-device linking server operates to forward the queued request to the second inter-device linking client when the second device which is capable of presentation of the information becomes linked to the inter-device linking server (Pepe, col. 29, 47-52).

32. As to claim 23, Pepe-Kikinis discloses the invention substantially as described in claim 22, including a communication system where the communication system further comprises a database (Pepe, Fig. 3, element 44); where the first and second inter-device linking clients periodically send presence notifications to the inter-device linking server to notify the inter-device linking server of the presence of the first and second devices in the communication system (Pepe, col. 17, lines 56-65); the presence notifications respectively describing the capabilities of the first and second devices to present information (Kikinis, page 9, paragraph 108); and where the inter-device linking server operates to time stamp and store the presence notifications in a presence table in the database (Pepe, col. 13, lines 25-34).

33. As to claim 24, Pepe-Kikinis discloses the invention substantially as described in claim 23, including a communication system where the inter-device linking server performs a search on the presence table in order to determine whether a second device in the communication system which is capable of displaying the information is linked to the inter-device linking server (Pepe, col. 3, lines 1-9), and where the inter-device linking server stores the request in a request table in the database when the searching of the presence table determines that a second device capable of displaying the information is not linked to the inter-device linking server (Pepe, col. 10, lines 35-45).
34. As to claim 25, Pepe-Kikinis discloses the invention substantially as described in claim 23, including a communication system where a request table is created for each inter-device linking client that sends a request to the inter-device linking server (Pepe, col. 13, lines 39-41).
35. As to claim 26, Pepe-Kikinis discloses the invention substantially as described in claim 24, including a communication system where the inter-device linking server operates to maintain the presence (Pepe, col. 13, lines 25-34) and request tables (Pepe, col. 13, lines 39-41).
36. Claims 19-21, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe-Kikinis and further in view of Lund (U.S. 6,760,758).

37. As to claim 19, Pepe-Kikinis disclose a method where the first software module operates to send a request for presentation of the information when the detecting detects that information cannot be displayed by the first device (Pepe, col. 20, lines 65-67). But Pepe-Kikinis do not explicitly disclose the device detecting that it cannot present information. However, in analogous art Lund discloses a technique where the detecting that information cannot be presented on a first device is performed by a first software module implemented on the first device operating in the communication system (Lund, col. 2, lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Pepe-Kikinis and Lund for the purpose of allowing a user that ability to coordinate network access using multiple devices (Lund, col. 1, lines 39-40).

38. As to claim 20, the combination of Pepe-Kikinis and Lund (Pepe-Kikinis-Lund) discloses the invention substantially as described in claim 19, including a method where the determining of whether the information can be presented by a second device is performed by a second software module (Lund, col. 2, lines 57-60), where the second software module operates to search a database in order to determine whether a presence notification associated with the second device has been received (Pepe, col. 3, lines 1-9); and where the presence notification is sent by a third software module associated with the second device (Pepe, col. 17, lines 19-21).

39. As to claim 21, Pepe-Kikinis-Lund discloses the invention substantially as described in claim 20, including a method where the second software module operates to forward the request for presentation of information to the third software module (Pepe, col. 20, lines 63-67).

40. As to claim 29, claim 19 is a method performing the same functions as claim 29. Therefore, paragraph 37 of this Office Action discloses all of the limitations of claim 29.

41. As to claim 30, claim 20 is a method performing the same functions as claim 30. Therefore, paragraph 38 of this Office Action discloses all of the limitations of claim 30.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER